



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,787	03/01/2000	Steven M.H. Wallman	10392/46801	3234

7590 08/26/2003

KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005-1257

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576787

Applicant(s)

W. S. Enon

Examiner

Hos, G

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/1/00.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: _____

Art Unit: 3624

DETAILED ACTION

1. Claims 1-76 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-76 are rejected under 35 USC 103(a) as unpatentable over Hawkins(US Pat. No: 6,247,000) in view of Garber(US Pat. No: 5,963,923) and further in view of Kramer(US Pat. No: 6,324,525).

4. As per claims 1-76 Hawkins teaches a system for confirmation and settlement for financial transactions matching(Abstract)(Figs 1-30)(col 4 line 20-col 5 line 28) as well as a share based transaction(Fig 9) as well as currency based transactions(Fig 14).Garber teaches an electronic brokerage and trading network(Abstract) for a plurality of financial instruments(Figs 1-10)(col 3 line 41-col 5 line 6) and transactions(Fig 9). Kramer teaches netting financial transactions periodically(Abstract)(Fig 43)(Fig 16)(Fig 40) in currencies(Fig 20B) and maintaining a transaction log(Fig 21A/2180) and cache(Fig 21B) with a payment management module(Fig 27). It would havebeen obvious to one skilled in the art at the time of the invention to combine Hawkins in view of Garber and further in view of Kramer to teach the discloure. The motivation

Art Unit: 3624

to combine Hawkins in view of Garber is to teach financial transactions matching utilizing the best aspects of a combined trader and broker function who makes a two-sided bid/offer market as enunciated by Garber(col 3 lines 45-50).Also, the motivation to combine Hawkins in view of Garber and further in view of Kramer is to teach financial transactions matching utilizing the best aspects of a combined trader and broker function who makes a two-sided bid/offer market for netting trades as enunciated by Kramer(col 4 lines 57-67).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-76 are also rejected under 35 USC 112 as failing to precisely define what applicant regards is the invention. The claims are too broad to delineate distinguishably the claimed matter over the existing art.

Conclusion

7 **THIS ACTION IS MADE NON-FINAL.**

8. Any questions concerning this communication should be addressed to the acting-SPE of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the undersigned are unsuccessful, the superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

Application/Control Number: 09/516787

Page 4

Art Unit: 3624

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



August 19, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER